

Filing a Public Records Act (PRA) Request

Who should I contact at the Department of Fair Employment and Housing (DFEH) when requesting records?

When requesting documents from the Department of Fair Employment and Housing (DFEH), you should send your request in writing to the appropriate district office:

Bakersfield District Office
1001 Tower Way, #250
Bakersfield, CA 93309-1586
(counties: Inyo, Kern, Mono, Tulare)

San Bernardino District Office (closed 6/30/03)
(For cases closed prior to June 30, 2003,
contact the Sacramento District Office.)
(counties: Riverside, San Bernardino)

Fresno District Office
1320 East Shaw Avenue, #150
Fresno, CA 93710
(counties: Fresno, Kings, Madera, Mariposa,
Merced, Stanislaus)

San Diego District Office
350 West Ash St., Suite 950
San Diego, CA 92101-3440
(counties: Imperial, San Diego)

Los Angeles District Office
611 West Sixth Street, 15th Floor
Los Angeles, CA 90017
(county: Los Angeles)

San Francisco District Office
455 Golden Gate Ave., Suite 7600
San Francisco, CA 94102-6073
(counties: Del Norte, Humboldt, Lake, Marin,
Mendocino, San Francisco, San Mateo, Sonoma)

Oakland District Office
1515 Clay Street, Suite 701
Oakland, CA 94612-1413
(counties: Alameda, Contra Costa, Napa, San
Joaquin, Solano)

San Jose District Office
111 North Market Street, #810
San Jose, CA 95113-1102
(counties: Monterey, San Benito, Santa Clara,
Santa Cruz)

Sacramento District Office
2000 "O" Street, #120
Sacramento, CA 95814-5212
(counties: Alpine, Amador, Butte, Calaveras,
Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada,
Placer, Plumas, Sacramento, Shasta, Sierra,
Siskiyou, Sutter, Tehama, Trinity, Tuolumne, Yolo,
Yuba)

Santa Ana District Office
2101 East 4th Street, Suite 255-B
Santa Ana, CA 92705-3855
(county: Orange)

Ventura District Office (closed 6/30/03)
(For cases closed prior to June 30, 2003,
contact the Santa Ana District Office.)
(counties: San Luis Obispo, Santa Barbara,
Ventura)

All PRA requests from media including, but not limited to, newspapers, periodicals, magazines, Internet media, radio, or television outlets, should be mailed or faxed on company letterhead to:

DFEH Public Affairs Unit, Attn: Deputy Director, 2014 T Street, Suite 210,
Sacramento, CA 95814; phone (916) 227-2873; fax (916) 227-0421

The request for records must be specific and focused. Your request should include the DFEH file number, if known, along with the complainant and respondent's name.

What records can I get?

The DFEH will produce “public records” in its possession as that term is defined in Government Code section 6252, subdivision (e), and if not otherwise exempted from disclosure by law. “Public records” is defined as follows:

“(e) ‘Public records’ includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

Government Code section 6254 lists records which are exempt from disclosure. Most notably, the DFEH will not disclose open case files as noted in subdivision (b):

“(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled.”

After the matter has been resolved and the case file closed, the Department will disclose records in the file unless otherwise exempted, and those exempt records are subject to redaction.

Also exempted from disclosure are:

- Any record found to be privileged by law, such as attorney-client communications or attorney work product.
- Preliminary drafts, notes, or interagency or intra-agency memoranda.
- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- Applications, reports and other information filed with, or prepared by, any state agency responsible for regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.
- Records of complaints to, or investigations conducted by, the Office of the Attorney General and the Department of Justice, and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency.

(Gov. Code, §§ 6254 & 12963.7.)

Each document requested may be redacted to remove information exempted under Government Code section 6254, as noted above, and any “personal information” as that term is defined in Civil Code section 1798.3, subdivision (a):

“(a) The term ‘personal information’ means any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual.”

When can I expect to receive the records requested?

Due to the overwhelming number of PRA requests received by the DFEH, it may not be possible to immediately process each request. We will, however, confirm receipt of each request in writing within 10 days of receipt of a request as prescribed by law (Gov. Code, § 6253, subd. (c)). The time limit for an initial response prescribed in the code may be extended up to 14 days for “unusual circumstances” which are:

“The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

“The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

“The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.”

All DFEH records must be retrieved from the district offices and processed at the headquarters office.

At the time DFEH initially responds to the request, DFEH will provide an estimated time when the records will be available. The DFEH will make every effort to process each request within a reasonable amount of time.

How much will I be charged for duplicating requested records?

DFEH charges 10 cents per page for copying the records requested plus postage. We make this charge pursuant to the provisions in Government Code section 6253, subdivision (b):

“(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request

for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person **upon payment of fees** covering direct costs of duplication, or a statutory fee if applicable.” [Emphasis added.]

How about information requested in an electronic format or from departmental databases?

The DFEH will produce information in electronic format, or printouts in table format, of information contained in its case database, after the aforementioned redaction. As of December 1, 2003, the charge for this service is \$35.00 per staff hour for compiling the information, plus an additional \$5.00 supply charge for reports requested on compact disc or diskette, payable upon receipt of a written estimate of costs from the Department. Government Code section 6253.9, subdivisions (a) through (g), are controlling on this subject. The pertinent code language is as follows:

“(a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure... that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

“(1) The agency shall make the information available in any electronic format in which it holds the information.

“(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency ...The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

“(b) [T]he requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when...the following applies:

“(2) The request would require data compilation, extraction, or programming to produce the record.”

If you have general questions about the PRA process, please contact the Department’s Public Records Unit:

Tracee Carpenter, Public Records Unit
Department of Fair Employment and Housing
2014 T Street, Suite 210
Sacramento, CA 95814

(916) 227-2873 telephone
(916) 227-0421 fax